

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Antonio Maurice Scott, As Personal Representative of the Estate of George Bynum,)	Civil Action No.: 0:18-cv-1102-RMG-PJG
Plaintiff,)	
v.)	
Siva Chockalingam, MD, in his Individual Capacity as Agent, Servant and/or Employee of the South Carolina Department of Corrections; Associates in Gastroenterology, PA; Berkeley Endoscopy Center, LLC, Robert Sharp, MD, in his Individual Capacity as Agent, Servant and/or Employee of The South Carolina Department of Corrections; and South Carolina Department of Corrections,)	<u>SECOND MOTION</u> FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANT, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Defendants.)	

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Defendant, South Carolina Department of Corrections (SCDC), hereby moves before the Presiding Judge of the Federal District Court of South Carolina for Summary Judgment pursuant to Rule 56, FRCP, on the following grounds:

1. Defendant SCDC is not a "person" within the meaning of the term as used in 42 U.S.C. §1983.

2. Plaintiff's State claims for medical malpractice and gross negligence and for violations of standards of medical practice against Defendant SCDC should be dismissed, because Plaintiff failed to produce expert testimony to show that Defendant SCDC was negligent and grossly negligent and violated standards of medical practice in its care and treatment of George Bynum that are a proximate cause of George Bynum's injuries and death.

The Motions will be based upon the applicable statutory law and case law, upon the pleadings of record, and upon Defendant's Memorandum in Support of Second Motion for Summary Judgment.

s/James E. Parham, Jr.

James E. Parham, Jr.

Federal I.D. #2969

Attorney for Defendant,

South Carolina Department of
Corrections

Post Office Box 1576

Irmo, South Carolina 29063

803-749-8555

jparham@jparhamlaw.com

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